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Quite aside from the defendants' motives, their act probably exceeded the legitimate bounds of competition.

In 8 HARVARD LAW REVIEW 1., Mr. Justice Holmes emphasized the fact that these cases are after all decided on broad grounds of public policy, and that such policy is determined by our economic experience. That is true of most judicial legislation. Our experience with labor organizations is not as yet very extensive, and the results are not likely to be summed up alike by all judges. Since the principal case a similar decision has been rendered by Kennedy, J. *Flood v. Jackson*, Q. B. D., March 5. And an interesting New Jersey case in the Recent Cases, page 510, *infra*, is to the same effect. So that the new cause of action seems to be popular.

COMPARATIVE CITATION OF REPORTS. — The editor of "Legal Bibliography" has compiled some interesting statistics of the frequency with which the judges of a State cite and rely upon foreign reports. His tables show the result of a count made of the citations in the judgments reported in the current volume of each set of State reports, and of the United States Reports, omitting, of course, the citations by each court of its own decisions.

Four jurisdictions are cited beyond comparison more than any others. Two counts, the first taken before the reports of thirteen less important States had been examined, the second the final one, showed the following result: —

	First Count.	Final.
United States	1137	1669
English	1483	1594
New York	1164	1424
Massachusetts	1120	1268
Next in rank { Pennsylvania	446	
{ California		805

Seven of the States omitted in the first count were recently admitted; the other six were States before 1865 (one was of the original thirteen), but it would seem that the greater part of the additional citations came from the reports of the new States, for the additions make two marked changes; they bring the United States Reports up from a poor third to an easy first, and they bring California up from a tie for ninth place to fifth with a showing sixty per cent better than her next competitor. This seems to point, though not surely, to the establishment of a distinct Western school of jurisprudence, which relies chiefly upon the two sets of reports last named, and it suggests an interesting question whether any tendency to uniformity in State jurisprudence may not be prevented or seriously arrested by the presence of two schools, a Western and an Eastern one.

To present an accurate result from one point of view, the tables should of course have taken into account the small number of citable cases in the reports of the smaller States. If, for instance, instead of sixteen volumes of Rhode Island, there were one hundred and fifty, as there are of Illinois, and the frequency of citation were maintained, Rhode Island would stand ninth, next but one after Illinois, instead of in her present position of thirty-sixth. From the point of view of a purchaser of law books, which is the purpose for which the statistics were compiled, that is just as much her misfortune, although not her fault.

The final result is so interesting that the Review copies it in full.

"Cases of other courts were cited in the decisions contained in the latest volumes of reports from forty-five States (including all the newer States, as well as the older), as follows:—

United States	1669	Georgia	92
English	1594	Tennessee	89
New York	1424	Kentucky	87
Massachusetts	1268	Nebraska	78
California	805	Mississippi	70
Pennsylvania	532	South Carolina	66
Illinois	471	Virginia	66
Michigan	385	Colorado	62
Iowa	355	Louisiana	59
Indiana	317	Nevada	58
Missouri	306	Arkansas	53
Wisconsin	303	Rhode Island	39
Maine	230	Oregon	39
Minnesota	215	West Virginia	34
Ohio	207	Arizona	22
Connecticut	206	Montana	21
New Hampshire	205	Idaho	15
New Jersey	205	Florida	14
Alabama	163	South Dakota	13
Kansas	158	Washington	12
Vermont	151	North Dakota	9
Maryland	131	Delaware	8
Texas	126	Wyoming	2" 1
North Carolina	103		

RECENT CASES.

AGENCY — FRAUDULENT ACT OF BANK OFFICER — PRINCIPAL NOT BOUND BY THE ACT OF KNOWLEDGE OF SUCH OFFICER. — The vice-president of a bank placed notes given by his father payable to the bank among the assets of the bank, to replace some stock belonging to himself which had been objected to by the bank examiner. The stock was afterwards taken back by the vice-president as payment of the notes, and replaced among the assets. All this was done without the knowledge of the other bank officers. *Held*, that the bank was not bound by this payment of the notes, but they were still valid against the father. *Findley v. Cowles*, 61 N. W. Rep. 998 (Iowa).

The case seems perfectly supportable on the ground that the vice-president was not acting within the scope of his authority in receiving stock in payment of notes, or that the father was implicated in the fraud. But there seems to be no occasion for the application of the doctrine that the knowledge of an agent committing a fraud is not imputable to the principal, though the court rely on this very strongly, citing *Innerarity v. Bank*, 139 Mass. 332.

AGENCY — KNOWLEDGE OF BANK CASHIER — EFFECT AS NOTICE. — The cashier of defendant bank mortgaged certain property of his to the plaintiff, it being provided that the mortgagor should have the right to sell, and apply the proceeds in payment of the mortgage. The cashier took the property to market, sold it, and sent the draft he received in payment, to the vice-president of defendant bank, who was acting cashier in his absence, with directions to place it to his credit. The acting cashier applied it in payment of an overdraft on the bank by the regular cashier. *Held*, that the knowledge of the regular cashier as to the nature of the draft was not imputable to the bank, and that it held freed from equities. *Rock Spring National Bank v. Suman*, 38 Pac. Rep. 678 (Wyoming).

The decision, which seems clearly right, goes principally upon the ground that the bank cashier was not the agent of the bank at the time of the transaction. But even if